IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

LA.App..No. 917 of 2003(D)

LAR.12/2000 of SUB COURT, PAYYANNUR
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APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

RESPONDENTS: CLAIMANTS:1
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1. NALUPURAPPATTIL NABEESA,
W/O. ABDUL RAHIMAN HAJI, ETTIKULAM,
RAMANTHALI VILLAGE. (DIED)

ADDITIONAL RESPONDENTS (LEGALS HEIRS) IMPLEADED :

2.NALUPURAPPATTIL PUTHIYA PURAYIL MUHAMMED KUNHI,
S/O.NALUPURAPPATTIL NABEESA,
NALUPURAPPATTIL HOUSE, ETTIKULAM P.O.
RAMANTHALI (VIA), KANNUR DIST.

3.NALUPURAPPATTIL PUTHIYA PURAYIL ALOOMA,
D/O.NALUPURAPPATTIL NABEESA,
NALUPURAPPATTIL HOUSE, ETTIKULAM P.O.
RAMANTHALI (VIA), KANNUR DIST.

4.NALUPURAPPATTIL PUTHIYA PURAYIL AMINA,
D/O.NALUPURAPPATTIL NABEESA,
NALUPURAPPATTIL HOUSE, ETTIKULAM P.O.
RAMANTHALI (VIA), KANNUR DIST.

5.NALUPURAPPATTIL PUTHIYA PURAYIL MARIYUMMA,
D/O.NALUPURAPPATTIL NABEESA,
NALUPURAPPATTIL HOUSE, ETTIKULAM P.O.
RAMANTHALI (VIA), KANNUR DIST.

6.NALUPURAPPATTIL PUTHIYA PURAYIL ABDULLA,
S/O.NALUPURAPPATTIL NABEESA,
NALUPURAPPATTIL HOUSE, ETTIKULAM P.O.
RAMANTHALI (VIA), KANNUR DIST.

7.NALUPURAPPATTIL PUTHIYA PURAYIL KADEEJA,
D/O.NALUPURAPPATTIL NABEESA,
NALUPURAPPATTIL HOUSE, ETTIKULAM P.O.
RAMANTHALI (VIA), KANNUR DIST.

8.NALUPURAPPATTIL PUTHIYA PURAYIL ABOOBACKER,
S/O.NALUPURAPPATTIL NABEESA,
NALUPURAPPATTIL HOUSE, ETTIKULAM P.O.
RAMANTHALI (VIA), KANNUR DIST.

9.NALUPURAPPATTIL PUTHIYA PURAYIL EBRAHIM,
S/O.NALUPURAPPATTIL NABEESA,
NALUPURAPPATTIL HOUSE, ETTIKULAM P.O.
RAMANTHALI (VIA), KANNUR DIST.

10.NALUPURAPPATTIL PUTHIYA PURAYIL RUKHIYA,
D/O.NALUPURAPPATTIL NABEESA,
NALUPURAPPATTIL HOUSE, ETTIKULAM P.O.
RAMANTHALI (VIA), KANNUR DIST.

(IMPLEADED AS PER ORDER DT. 20.9.2007 IN I.A.4180/04)

BY ADV. SRI.SERGI JOSEPH THOMAS
V.C.JAMES

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO.917 OF 2003

Dated 20th September, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in L.A.R.12/2000 on the file of the Sub Court, Payyannur. The acquisition is for the purpose of construction of Ettikulam High School-7th Gate of Naval Academy road. Section 4(1) notification was issued on 15.7.1998.

2. We have heard learned Government Pleader for the appellant and the learned counsel appearing for the respondents. Though several contentions are taken in the appeal, learned Government Pleader mainly contended on the error committed by the reference court regarding the multiplier. Since capitalization method has been adopted for deciding the compensation, multiplier has to be properly fixed. The reference court has taken 16 as the multiplier. Even going by the decision of the Supreme Court in **Asst.Commissioner-cum-Land Acquisition Officer, Bellary v. S.T.Pompanna Setty** (2005(9) SCC 662), the multiplier is to be taken as 10. Therefore, we partly modify the judgment and decree and hold that as far as computation is

concerned, the multiplier shall only be 10 in the place of 16 applied by the reference court. The appeal is partly allowed as above, without disturbing the fixation or benefits on any other counts.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. NO.917 OF 2003

J U D G M E N T

Dated 20th September, 2007.